

SENATE BILL REPORT

SHB 3103

As Reported By Senate Committee On:
Early Learning & K-12 Education, February 27, 2008

Title: An act relating to crimes that require dismissal or certificate revocation for school employees.

Brief Description: Expanding the list of crimes that require dismissal or certificate revocation for school employees.

Sponsors: House Committee on Education (originally sponsored by Representative Darneille).

Brief History: Passed House: 2/12/08, 97-0.

Committee Activity: Early Learning & K-12 Education: 2/25/08, 2/27/08 [DPA]

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass as amended.

Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King, Ranking Minority Member; Brandland, Eide, Hobbs, Holmquist, McDermott, Oemig and Rasmussen.

Staff: Kimberly Cushing (786-7421)

Background: Under current Washington law, school districts must immediately terminate classified or certificated employees upon a guilty plea or conviction of a specified felony crime against children, such as the physical injury or death of a child and sexual offenses where a minor is the victim. If a contractor fails to prohibit any employee from working at a public school where there is contact with children when the employee has pled guilty or has been convicted of a specified felony crime against children, this is grounds for the school district to immediately terminate the contract.

Any certificate or permit must be revoked upon a guilty plea or conviction of a specified felony crime against children. A certificate or permit revoked under these circumstances cannot be reinstated.

Summary of Bill (Recommended Amendments): School districts must immediately terminate classified or certificated employees upon a guilty plea or conviction for specified felony crimes, regardless of the victim's age. The list of felony crimes currently requiring mandatory termination are expanded and include incest, kidnaping, and robbery. Attempts, conspiracies, or solicitations to commit any of the specified felony crimes requires mandatory termination. The new provisions apply to guilty pleas or convictions occurring on or after the effective date. The expanded list of crimes also applies to contractors' employees.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Certificates must be revoked upon a guilty plea or conviction for any of the specified felony crimes. Mandatory revocation must also occur upon a finding that the certificate holder obtained the certificate through fraudulent means, including misrepresentation of required academic credentials or prior criminal record.

OSPI is required to review on a quarterly basis the list of guilty pleas and convictions, which includes the expanded list of crimes, it receives from the Washington State Patrol.

Superintendents and private school administrators may file a complaint with the Office of the Superintendent of Public Instruction (OSPI) concerning any certificated employee of a school district, ESD, or private school, regardless of whether the individual is employed by the complainant. School districts are prohibited from reaching agreements that are in conflict with the termination provisions for certificated and classified employees.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (Recommended Amendments): Removed the requirement that superintendents must notify OSPI when their district terminates a certified employee on the basis of probable cause for termination.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Substitute: PRO: The added crimes are as heinous as those currently requiring mandatory certificate revocation. We want to send a clear message to teachers who have been convicted or pled guilty to any of these crimes and move to Washington from other states. There is a direct nexus between the crime, and why the individual should no longer be working in schools. Due process is fairly addressed because the individual must be convicted or plead guilty. Children have limited recourse to defend themselves against a school employee, and we need to protect them from potential victimization. Schools must have accountability, and the responsibility to notify other schools or OSPI, if a teacher is not in compliance. Superintendents are already required to report to OSPI for all violations of the professional code of conduct or good moral character; OSPI has no authority to investigate allegations outside of this.

Persons Testifying: PRO: Representative Darneille, prime sponsor; Charles Schreck, OSPI; Lucinda Young, Washington Education Association; Lorraine Wilson, Susan Schreurs, Tacoma Public Schools; Evelyn Larsen, Washington Coalition of Sexual Assault Programs.